

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

GERALD S. BLANCHARD, JR.,

Plaintiff

VS.

NO. 5: 07-CV-241 (CAR)

ALEXIS E. L. CHASE, *et al.*,.

Defendants

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE**

**RECOMMENDATION ON MOTION FOR A
TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION**

Plaintiff **GERALD S. BLANCHARD, JR.** has moved the court to grant him a temporary restraining order/ preliminary injunction directing the defendants to provide him with proper medical care. Tab #21. Under *Southern Monorail Company v. Robbins & Myers, Inc.*, 666 F.2d 185, 186 (11th Cir.1982), before the relief sought by plaintiff can be granted, a showing must be made, to-wit: (1) that there is a substantial likelihood that the movant will prevail on the merits; (2) that there is a substantial threat that the movant will suffer irreparable injury if the relief is not granted; (3) that the threatened injury to the movant outweighs the threatened harm a restraining order or an injunction may cause the opponent; and, (4) that granting of any such preliminary injunction will not disserve the public interest.

After a careful review of plaintiff's motion herein in light of the requirements set forth in *Southern Monorail*, it is the opinion of the undersigned that plaintiff has not met the prerequisites for the issuance of a temporary restraining order or preliminary injunction. The relief sought by plaintiff in his request for a temporary restraining order/preliminary injunctive relief is the same relief sought by him in his complaint.

Further factual development is necessary before a determination can be made on plaintiff's underlying claims. At the present time, however, the evidence before the court in the form of affidavits filed in opposition to plaintiff's request for injunctive relief refutes plaintiff's allegations that there is a substantial likelihood that he will prevail on the merits and that there is a substantial threat that he will suffer irreparable injury if the relief is not granted.

In light of the foregoing, IT IS THE RECOMMENDATION of the undersigned that plaintiff Blanchard's Motion for a Temporary Restraining Order/Preliminary Injunction be DENIED. Plaintiff may file any objection with the Clerk of court **WITHIN TEN (10) DAYS** of receipt of this recommendation.

SO RECOMMENDED, this 11th day of FEBRUARY, 2008.



CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE